

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

ISO New England Inc.)))	Docket No. ER08-633-000
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**MOTION FOR LEAVE TO INTERVENE OUT-OF-TIME
OF
THE MAINE PUBLIC UTILITIES COMMISSION**

The Maine Public Utilities Commission (“MPUC”), by and through counsel, Lisa S. Gast and Joshua E. Adrian, Duncan, Weinberg, Genzer & Pembroke, P.C., 1615 M Street, NW, Suite 800, Washington, DC 20036, and Lisa Fink and Benjamin J. Smith, State of Maine Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018, respectfully files this Motion for Leave to Intervene Out-of-Time in the above-captioned proceeding in which the Independent System Operator-New England (“ISO-NE”) submitted for the approval of the Federal Energy Regulatory Commission (“Commission”) the results of its Forward Capacity Auction (“FCA”). In support of the MPUC’s Motion, the MPUC states as follows:

I. PRELIMINARY STATEMENT

This Motion is filed pursuant to Rules 212 and 214(a)(3) of the Rules of Practice and Procedure of the Commission, 18 C.F.R. §§ 385.212 and 385.214(a)(3) (2007); the Commission’s March 6, 2008 Combined Notice of Filings #1; and the Commission’s March 12, 2008 Errata Notice Extending Comment Period, in which the Commission established April 17, 2008, as the date by which interventions and protests are to be filed.

The persons to whom correspondence, pleadings, and other papers in relation to this proceeding should be addressed and the persons whose names are to be placed on the Commission's official service list are designated as follows pursuant to Rule 203, 18 C.F.R. § 385.203 (2007):

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II. MOTION FOR LEAVE TO INTERVENE OUT-OF-TIME

Under Maine law, the MPUC is the state commission designated by statute with jurisdiction over rates and service of electric utilities in the state. *See* 35-A M.R.S.A. § 101 *et seq.* It is, therefore, a “state commission” under the Commission’s regulations, 18 C.F.R. § 1.101(k) (2007). Accordingly, the MPUC is generally permitted to give notice of its intervention pursuant to Rule 214(a)(2), 18 C.F.R. § 385.214(a)(2) (2007) and respectfully request that the Commission recognize the MPUC as an intervenor in this proceeding, with all rights attendant thereto.

In this proceeding, however, MPUC acknowledges that this filing is made one-day out-of-time. Pursuant to the Commission's regulations, state commissions seeking intervention outside the time limitations provided by the Commission must file a motion to intervene out-of-time, 18 C.F.R. § 214(a)(2) (2007). Accordingly, MPUC is requesting leave to intervene out-of-time in the instant proceeding.

The MPUC respectfully submits that good cause exists to grant this request to intervene out-of-time so that the interests of the MPUC may be represented in this proceeding. This intervention is being submitted out-of-time due to administrative error. The MPUC has direct and vital interests in the matters addressed in this proceeding that will not be adequately represented by any other party. Finally, no party will be prejudiced by the MPUC's participation because of the very early stage of this proceeding. Accordingly, the MPUC's participation in this proceeding is necessary and appropriate to the administration of the Federal Power Act, and it will be in the public interest.

III. BACKGROUND AND DESCRIPTION OF FILING

The ISO New England Transmission, Markets and Services Tariff ("ISO-NE Tariff") requires ISO-NE to file the results of its FCA with the Commission as soon as practicable after the FCA is complete. ISO-NE held its first FCA on February 4-6, 2008, and it filed the results of this FCA with the Commission on March 3, 2008.

IV. CONCLUSION

WHEREFORE, the Maine Public Utilities Commission hereby submits this Motion for Leave to Intervene Out-of-Time in this proceeding.

Dated: April 18, 2008

Respectfully submitted,

/s/ Lisa S. Gast
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the service list compiled by the Secretary in this proceeding either by U.S. Mail or electronic service, as appropriate. Dated at Washington, D.C., this 18th day of April, 2008.

/s/ Harry A. Dupre
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